

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.400 OF 2006

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Esmail Hasham Merchant ...Petitioner

v/s.

Anwar Esmail Merchant and ors. ...Respondent

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Mr.Uday Bobde i/b A.Z. Mookhtiar for the Petitioner.

Mr.P.A.Kadam for Respondents Nos.1, 2 & 5.

Mr.Y.R.Shah for Respondents Nos. 3 & 4.

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CORAM: D.K.DESHMUKH, J.

DATED: 3RD OCTOBER, 2006

P.C.:

. By consent of parties, petition disposed of in

following terms:

. By consent of parties Advocate Mr.Milind Vasudeo, c/o Abbas Manzil, 2nd Floor, Nadirsha Sukhia Street, Fort, Mumbai- 400 001 is appointed as an arbitrator.

. The learned Counsel appearing for the Respondent No.3 & 4 states that there are total nine flats reserved for Project Affect Persons, out of these nine flats three flats are in B-wing, which is under construction and the construction is incomplete. So far as remaining six flats are concerned, they are in A-wing, where the construction is complete. He states that those six flats are given temporarily in possession of the society for giving alternate accommodation. He states that there is no interest created in relation to those flats in favour of the society or anybody. He undertakes to file affidavit in this court within two weeks from today stating this fact on affidavit and disclosing the names of the persons who are presently in possession of those flats.

. The learned Counsel appearing for Respondents Nos. 3 & 4 also states that in far as remaining flats in

the building are concerned, the Respondents Nos. 3 & 4 have not parted with possession of any of the flats. He also states that the Respondents Nos. 3 & 4 are willing to maintain status- quo in relation to all the flats.

Statements are accepted.

. In view of the consent given by the parties and the statement made by the learned Counsel appearing for the Respondents Nos. 3 & 4, it is directed that both the parties shall maintain status-quo in relation to all the flats and the Respondents Nos.3 & 4 shall within two weeks from today file an affidavit as stated in their statements recorded above.

. Both the parties shall be at liberty to apply before the learned arbitrator for any interim relief that may be necessary. It is clarified that the learned arbitrator will be free even to modify the present interim order made by the court, if he finds a reason for doing so. Petition disposed of.

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